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UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re,
CRESTLLOYD, LLC,
Debtor.

Case No. 2:21-bk-18205-DS

Chapter 11

Adv. No. 2:22-ap-01125-DS

INFERNO INVESTMENT, INC., a Quebec
corporation,
Plaintiff,
v.

**NOTICE OF MOTION OF DEBTOR TO
APPROVE COMPROMISE OF
CONTROVERSY WITH JUSTINE
ENGLANOFF, NICOLE ENGLANOFF,
AND JACQUELINE ENGLANOFF**

CRESTLLOYD, LLC, a California limited
liability company; HANKEY CAPITAL, LLC,
a California limited liability company; YOGI
SECURITIES HOLDINGS, LLC, a Nevada
limited liability company; and HILLDUN
CORPORATION, a New York corporation,
Defendants.

[Federal Rule of Bankruptcy
Procedure 9019 and Local Bankruptcy
Rule 9013-1(o)(1)]

[No Hearing Required]

CRESTLLOYD, LLC, a California limited
liability company,
Cross-Claimant,
v.

INFERNO INVESTMENT, INC., a Quebec
Corporation; NILE MIAMI, an individual;
YVONNE MIAMI, an individual, GROUND
VIEW LLLP, a Nevada limited liability limited
partnership; 1369 LONDONDERRY ESTATE
LLC, a California limited liability company;
MARBELLA CONSTRUCTION INC., a

California limited liability company;
N:PHILANTHROPY LLC, a California limited
liability company; YOGI SECURITIES
HOLDINGS, LLC, a Nevada limited liability
company; TROUSDALE ESTATE, LLC, a
Nevada limited liability Company; JOSEPH
ENGLANOFF, an individual; JUSTINE
ENGLANOFF, an individual; NICOLE
ENGLANOFF, an individual; JACQUELINE
ENGLANOFF, an individual; HILLDUN
CORPORATION, a New York corporation.

Cross-Defendants.

TO ALL INTERESTED PARTIES:

PLEASE TAKE NOTICE that Crestlloyd, LLC (the “Debtor” or “Plaintiff”), hereby moves (the “Motion”) this Bankruptcy Court for an Order pursuant to Rule 9019 of the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rule 9013-1(o)(1), approving that certain Settlement Agreement and Mutual Releases (the “Agreement”) entered into by and among the Plaintiff and Justine Englanoff (“Justine”), Nicole Englanoff (“Nicole”), and Jacqueline Englanoff (“Jacqueline”) (collectively, the “Settling Defendants”) with respect to the resolution of the Plaintiff’s cross-claims in the adversary proceeding bearing case number 2:22-ap-01125-DS, against Defendants (the “Adversary Proceeding”).

The Agreement relates to the following factual background:

On October 26, 2021 (the “Petition Date”), the Debtor initiated its bankruptcy case by filing a voluntary petition under chapter 11 of title 11 of the United States Code §§ 101, *et seq.* (the “Bankruptcy Code”).¹

At the time of filing, the Debtor’s primary asset consisted of residential real property located at 944 Airole Way, Los Angeles, CA 90077 (the “Property”). On March 28, 2022, the Court approved the sale of the Property for \$126 million plus the \$11.970 million Rebate from the auctioneer, for a total of \$137.97 million. (Dkt No. 247). On May 27, 2022, the Court entered an order authorizing the Debtor to pay \$82,500,000 of the net proceeds from the sale to Hankey Capital

¹ Unless otherwise stated, all Section references herein are to the Bankruptcy Code.

1 “without prejudice to any and all parties’ rights to assert claims and defenses as may be appropriate,
2 including but not limited to the right to claw back any portion of the monies paid.” (Dkt No. 350).

3 On June 9, 2022, Inferno Investment, Inc. commenced this Adversary Proceeding against
4 the Debtor; Hankey Capital, LLC; Yogi Securities Holdings, LLC; and Hildun Corporation. Adv.
5 (Dkt. No. 1).

6 On August 10, 2022, the Debtor filed cross-claims against Inferno Investment, Inc.; Nile
7 Niami; Yvonne Niami; Ground View LLP; 1369 Londonderry Estate, LLC; Marbella Construction
8 Inc.; N:Philanthropy LLC; Yogi Securities Holdings LLC; Trousdale Estate LLC; Joseph
9 Englanoff; Justine; Nicole; Jacqueline, and Hildun Corporation. (Adv. Dkt No. 27).

10 On November 18, 2022, the Settling Defendants filed an answer to the Debtor’s cross-
11 claims. (Adv. Dkt No. 105). Following lengthy negotiations, the Debtor and the Settling
12 Defendants have agreed to settle the disputes by and among them regarding cross-claims nos. 17,
13 18, 19, and 20 of the Debtors’ cross-complaint.²

14 Under the terms of the Agreement, the Settling Defendants shall pay \$40,000 to the Debtor
15 in resolution of the cross-claims asserted against the Settling Defendants in the Debtor’s cross-
16 complaint.

17 Because the Agreement resolves the Debtor’s cross-claims (that total \$63,000) for \$40,000
18 without the delay and expense of protracted and uncertain litigation, the Debtor submits that the
19 compromise is fair and reasonable and should be approved by the Court.

20 **PLEASE TAKE FURTHER NOTICE** that this Motion is made pursuant to Rule 9019 of
21 the Federal Rules of Bankruptcy Procedure on the grounds that the Debtor, in the exercise of its
22 business judgment, has determined that it is in the best interests of the estate to fully resolve the
23 disputes with Settling Defendants concerning the Debtor’s cross-claims. The Agreement is the
24 product of the parties’ extensive negotiations, and, ultimately, a consensual resolution.

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27 ² The cross-claims allege that Justine, Nicole, and Jacqueline received fraudulent transfers totaling
28 \$63,000 in August 2017 from the sale proceeds of Crestlloyd’s Hillcrest Property. *See* Cross-
Complaint, (Adv. Dkt. 27 at p. 39-43).

1 Accordingly, the Debtor submits that the compromise is fair and reasonable and should, therefore,
2 be approved by the Court.

3 **PLEASE TAKE FURTHER NOTICE** that the Motion is based upon this Notice of
4 Motion filed concurrently herewith, this Motion, the Memorandum of Points and Authorities and
5 the Declaration of Joseph Rothberg attached hereto, the entire record in this case, and such further
6 evidence as may be made.

7 **PLEASE TAKE FURTHER NOTICE** that should you wish to obtain a copy of the
8 Motion and the papers filed in support thereof, you may do so by contacting counsel for the Debtor
9 whose name and contact information appears on the top left-hand corner of the first page of this
10 Notice.

11 **PLEASE TAKE FURTHER NOTICE** that pursuant to Local Bankruptcy Rule 9013-
12 1(o)(1) any response and request for a hearing must be filed with the Court and served on the Debtor
13 and its counsel and the Office of the United States Trustee within fourteen (14) days after the date
14 of service of this Notice, plus three (3) additional days if you were served by mail or pursuant to
15 Federal Rule of Civil Procedure 5(b)(2)(D) or (F).

16 **PLEASE TAKE FURTHER NOTICE** that pursuant to Local Bankruptcy Rule 9013-1(h)
17 failure to timely file and serve a response may be deemed by the Court as consent to the granting
18 of the Motion.

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1 **WHEREFORE**, the Plaintiff respectfully requests that the Court enter an order:

2 1. Granting the Motion;

3 2. Approving the Agreement;

4 3. Authorizing the Plaintiff and Settling Defendants to take any and all steps necessary

5 to effectuate the Agreement under the terms and conditions set forth in the Agreement; and

6 4. Granting such other and further relief as the Court deems just and proper.

7

8 Dated: October 3, 2023

LEVENE, NEALE, BENDER, YOO &

9

GOLUBCHIK L.L.P.

10

By: /s/ Joseph M. Rothberg

11

DAVID B. GOLUBCHIK

12

TODD M. ARNOLD

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JOSEPH M. ROTHBERG

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Attorneys for Debtor and Debtor in Possession

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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 2818 La Cienega Avenue, Los Angeles, CA 90034

A true and correct copy of the foregoing document entitled **Notice Of Motion Of Debtor To Approve Compromise Of Controversy With Justine Englanoff, Nicole Englanoff, And Jacqueline Englanoff** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **October 3, 2023**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- Kyra E Andrassy kandrassy@swelawfirm.com, lgarrett@swelawfirm.com;gcruz@swelawfirm.com;jchung@swelawfirm.com
- Todd M Arnold tma@lnbyg.com
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- United States Trustee (LA) ustpregion16.la.ecf@usdoj.gov
- Genevieve G Weiner gweiner@sidley.com, laefilingnotice@sidley.com;genevieve-weiner-0813@ecf.pacerpro.com;psantos@sidley.com
- Jessica Wellington jwellington@bg.law, ecf@bg.law

2. SERVED BY UNITED STATES MAIL: On **October 3, 2023**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Honorable Deborah J. Saltzman
United States Bankruptcy Court
255 E. Temple Street, Suite 1634
Los Angeles, CA 90012

☒ *Service information continued on attached page*

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **October 3, 2023**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

October 3, 2023	Rebecka Merritt	/s/ Rebecka Merritt
<i>Date</i>	<i>Type Name</i>	<i>Signature</i>

Label Matrix for local noticing
0973-2
Case 2:21-bk-18205-DS
Central District of California
Los Angeles
Tue Oct 3 09:38:34 PDT 2023

Sierra Constellation Partners LLC
Main Document Page 8 of 12
c/o Sierra Constellation Partners LLC
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Local Fire Prevention Measure
4745 Mangels Blvd.
Fairfield, CA 94534-4175

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MRCA-Brush Fire Clear g Dist #1
200 North Main Street, 16th Fl
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Wildlife Corridor and Protection
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Vista Sotheby's Int'l. Realty
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West Valley Green Landscaping, Inc.
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The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

LOS ANGELES COUNTY TREASURER AND TAX COLLECT
PO BOX 54110
LOS ANGELES, CA 90054-0110

(d)Los Angeles County Tax Collector
225 N. Hill Street # 1
Los Angeles, CA 90012

(d)Los Angeles County Treasurer and Tax Colle
Attn: Bankruptcy Unit
PO Box 54110
Los Angeles, CA 90054-0110

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)American Truck and Tool Rental	(u)Concierge Auctions, LLC	(u)Courtesy NEF
(u)Hilldun Corporation	(u)Inferno Investment, Inc.	(u)Italian Luxury Group, LLC and Italian Luxu
(u)J&E Texture, Inc.	(u)Pacific Union International dba Compass	(u>Showroom Interiors, LLC dba Vesta
(u)The Beverly Hills Estate and Compass	(u)Yogi Securities Holdings, LLC	(u)Simone Giovanni Cenedese Murano s.a.s Calle Bertolini, 6, Murano, Venezia
(u)Edward Roark Schwagerl	(u)Richard Saghian	(u)Theodore Lanes
(u)Yvonne Niami	End of Label Matrix Mailable recipients 112 Bypassed recipients 16 Total 128	